



## Memo

To: All Interested Parties

Date: June 28, 2007

Re: Proposed Amendments to the Department of Health's Immunization Regulations

Enclosed are the Department of Health's Immunization Regulations as the Department wishes to change them as of the date of this Memo.

After receiving approval from the Interagency Committee on Administrative Rules (ICAR) and after filing proposed amendments with the Secretary of State's Office and with the Legislative Council, Health Department staff realized that the proposed Immunization Regulations were not as clear as they could be.

We want to make the following changes to what was initially approved and filed:

1. Add "through 6<sup>th</sup> grade" at V (1) after the word "kindergarten".
2. Add "through 12<sup>th</sup>" after the word "7<sup>th</sup>" at V (2).
3. Change VII (1) in the following ways:
  - A. Specify that "For school year commencing August, 2008", compliance must be by "All students".
  - B. State that "For school years commencing August 2009 and beyond", the schedule listed in VII (1) would have to be followed.
  - C. Change the word "entry" into a post-secondary institution into "initial enrollment" into a post-secondary institution.

The enclosed document shows these additional changes as they would appear in the document after incorporation. The changes listed above have been placed in bold type.

The Department of Health, of course, remains open to all public comments on proposed amendments before filing "final" proposed amendments with the Legislative Committee on Administrative Rules (LCAR) and the Secretary of State's Office after the public comment period.

Thank you for whatever comments you wish to provide.

**Vermont Department of Health**  
**Immunization Regulations**

I. AUTHORITY: These regulations are adopted under the authority granted to the Department of Health by 18 V.S.A. § 1123 and further defined by 18 V.S.A. § 1120 – 1122, 1124, 1126 and 1129.

II. PUPOSE: These regulations, which establish minimum immunization requirements for attendance at public or independent kindergartens, elementary, secondary and postsecondary schools, seek to prevent the introduction and/or transmission of vaccine-preventable diseases within schools.

III. DEFINITIONS: As used in these regulations:

(1) “School” means a public or independent kindergarten, elementary, secondary or post-secondary school as defined in 16 V.S.A. § 176(b), unless exempted by these regulations.

(2) “Post-secondary” means any person who offers or operates a program of college or professional education for credit or degree, unless exempted by these regulations.

(3) “Student” means a person in attendance at any school unless exempted by these regulations.

(4) “Advisory Committee on Immunization Practices (ACIP)” means a committee composed of experts in fields associated with immunization who have been selected by the Secretary of the U. S. Department of Health and Human Services to provide advice and guidance to the Secretary, the Assistant Secretary for Health, and the Centers for Disease Control and Prevention (CDC) on the most effective means to prevent vaccine-preventable diseases. The Committee develops written recommendations for the routine administration of vaccines to the pediatric and adult populations, along with schedules regarding the appropriate periodicity, dosage, and contraindications applicable to the vaccines.

(5) “Department” means the Vermont Department of Health.

IV. INCLUSIONS AND EXEMPTIONS:

(1) Persons born after 1956 who are entering a health science program and are enrolled either part-time or full-time are subject to these regulations.

(2) Persons born after 1956 who are entering a post-secondary school as undergraduate students and are enrolled more than half-time are subject to these regulations. However, those born after 1956 who are entering whose instruction solely involves research, field work, or study away from the school are not considered students for purposes of these regulations and are therefore exempt.

(3) Persons who are not citizens of the United States must receive the appropriate immunizations unless they can provide an immunization record documenting the receipt of required immunizations at the appropriate ages and intervals or unless they can provide laboratory evidence of immunity. Any full or part time student attending a post-secondary institution in Vermont while on a student or other visa, including a student attending or visiting classes or programs as part of a formal academic visitation or exchange program is subject to the same requirements.

(4) Persons are exempt from these regulations provided they meet one or more of the following as defined in 18 V.S.A. § 1122 (a):

(a) If the person, or in the case of a minor the person's parent or guardian, presents a Department-supplied form, signed by a licensed physician, health clinic or nurse, indicating the person is in the process of being immunized. This form shall be maintained by the school as part of the student's immunization record.

(b) If the person, or in the case of a minor the person's parent or guardian, presents a Department-supplied form, signed by a licensed physician, nurse practitioner or physician's assistant, indicating a specific immunization is or may be detrimental to the person's health or is not appropriate. The form must include the reason for the contraindication and the time period for which the immunization is contraindicated. This form shall be maintained by the school as part of the student's immunization record.

(c) If the person, or in the case of a minor the person's parent or guardian, presents a Department-supplied form, indicating that the person, parent, or guardian has religious beliefs or moral convictions opposed to immunizations. This form shall be maintained by the school as part of the student's immunization record.

## V. REQUIRED IMMUNIZATIONS

The following are effective for the school year commencing August 2008:

(1) Students entering kindergarten **through 6<sup>th</sup> grade** on or after August 1, 2008 are required to have received the following in accordance with ACIP recommendations on the scheduling of vaccinations and on minimal intervals between doses, allowing for the ACIP-approved four-day grace period:

- 5 DTaP – 4 if the 4<sup>th</sup> dose was given on/after the 4<sup>th</sup> birthday

- 4 Polio – 3 if the 3<sup>rd</sup> dose was given on/after the 4<sup>th</sup> birthday
- 2 Measles
- 2 Mumps
- 2 Rubella
- 3 Hepatitis B
- 2 Varicella – waived if the parent or guardian presents a Department-supplied form indicating the student has a history of disease

(2) Students entering the 7<sup>th</sup> -12<sup>th</sup> grade on or after August 1, 2008 are required to have received the following in accordance with ACIP recommendations on the scheduling of vaccinations and on minimal intervals between dose, allowing for the ACIP-approved four-day grace period:

- 5 DTaP/DTP – 4 doses if the 4<sup>th</sup> dose was given on/after the 4<sup>th</sup> birthday. For pupils who, after the sixth birthday, have not completed these requirements three doses of Td or 2 doses of Td and one dose of Tdap is acceptable.
- 4 Polio – 3 if the 3<sup>rd</sup> dose was given on/after the 4<sup>th</sup> birthday
- 2 Measles
- 2 Mumps
- 2 Rubella
- 3 Hepatitis B
- 2 Varicella - waived if the parent or guardian presents a Department-supplied form indicating the student has a history of disease
- 1 Tdap booster

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(3) Students entering a post-secondary school on or after August 1, 2008 are required to have received the following in accordance with ACIP recommendations on the scheduling of vaccinations and on minimal intervals between dose, allowing for the ACIP-approved four-day grace period:

- 1 Tdap/Td booster administered within the past 10 years
- 2 Measles
- 2 Mumps
- 2 Rubella
- 3 Hepatitis B
- 1 Meningococcal conjugate vaccine (only for first year students living in dormitories)
- 2 Varicella – waived if student presents a Department-supplied form indicating a history of disease

## VI. ACCEPTABLE RECORDS

The following will be accepted as evidence of a student's immunization history:

- An official school record from any school listing the individual immunizations and the complete date (mm/dd/yyyy) the immunization was administered. .
- A record from any public health department listing the individual immunizations and the complete date (mm/dd/yyyy) the immunization was administered.
- A certificate signed by a physician, nurse practitioner, or physician assistant listing the individual immunizations and the complete date (mm/dd/yyyy) the immunization was administered.
- A record from an Immunization Registry listing the individual immunizations and the complete dates (mm/dd/yyyy) the immunization was administered.
- A laboratory report of a titer indicating evidence of immunity to a specific disease.

## VII. VERIFICATION OF COMPLIANCE AND REPORTING TO THE DEPARTMENT

- (1) Compliance shall be verified by the appropriate school official according to the following schedule:

### **For school year commencing August 2008:**

#### **All students**

### **For school years commencing August 2009 and beyond:**

- All students upon entry into kindergarten.
- All students upon entry into the 7<sup>th</sup> grade.
- All students upon **initial enrollment** into a post-secondary institution.
- Any student newly enrolling into a school.

(2) Using a Department-supplied form a report on the immunization status of all students listed in 2-307(1) with the exception of students newly enrolling into a school shall be submitted by the school principal, headmaster, Registrar or other person in charge of the school. One copy should be kept with the school and the other sent to the Department. This report needs to be received by the Department by January 1<sup>st</sup> of each year.

## VIII. PROVISIONAL ADMITTANCE

A student may be admitted to school provisionally if a physician, nurse practitioner or physician's assistant indicates the student is in the process of complying with all immunization requirements. Such provisional admission shall be for a reasonable length of time that is consistent with the immunization schedule set forth in 2-305 but shall not exceed one year. The school shall maintain a roster of provisionally admitted students and continue follow-up until requirements are met.

## IX. EXCLUSION FROM SCHOOL AND PENALTY FOR NONCOMPLIANCE

(1) Students not in compliance with all immunization requirements shall not be allowed to enter school. The student or in the case of a minor the student's parent or guardian must receive written notification by mail or in person that the student is not in compliance as well as the steps needed to comply.

(2) No principal, headmaster, registrar or other person in charge of a school shall knowingly admit or retain any student who has not submitted acceptable evidence of immunization, except when there are exemptions as noted in 2-304. Any principal, headmaster, registrar or other person in charge of a school that is not in compliance with this provision is subject to fines up to \$10,000 for each occurrence in accordance with 18 V.S.A. §130 (b)(6).

#### X. RETENTION, TRANSFER AND RELEASE OF RECORDS

(1) Each school shall maintain an immunization record for each student. This record shall include the immunization and the date of each immunization.

(2) Each school shall maintain a roster of students who are exempt from immunizations as well as those who are provisionally admitted.

(3) If a student transfers from one school to another, the original school shall transfer the immunization record or a copy thereof. The original school shall keep a log indicating where and when the records were sent.

(4) Immunization records not forwarded shall remain with the child's academic record and shall not be destroyed under any circumstances.

(5) For purposes of these regulations school nurses are considered health personnel per 18 V.S.A. § 1124 and shall be granted access to student immunization records, including records from physician offices, public health departments and the Immunization Registry.

#### XI. ACCESS TO RECORDS BY THE DEPARTMENT

The principal, headmaster, registrar or other person in charge of a school shall make immunization records available for inspection by authorized representatives of the Department.